

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz &amp; Schneid, P.L.</b> 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number 561-241-6901 Attorneys For Secured Creditor  Kevin Buttery, Esq. (KB-3800)	CASE NO.: 18-10180-VFP  CHAPTER 13  <b>OBJECTION TO DEBTOR'S REQUEST FOR LOSS MITIGATION</b>
<b>In Re:</b>  <b>Daryl L. Smith,</b>  <b>Debtor.</b>	

**OBJECTION TO DEBTOR'S REQUEST FOR LOSS MITIGATION**  
**DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR**  
**RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED**  
**PASS-THROUGH CERTIFICATES, SERIES 2007-QS3** ("Secured Creditor"), by and  
through its undersigned counsel, Objects to Debtor's Request for Loss Mitigation (DE # 14), and  
states as follows:

1. Debtor, Daryl L. Smith, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on January 4, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 92 Roland Avenue, South Orange, NJ 07079, by virtue of a Mortgage recorded on January 19, 2007 in Book 12021 at Page 616 of the Public Records of Essex County, NJ. Said Mortgage secures a Note in the amount of \$359,000.00.
3. The Debtor filed Request for Loss Mitigation on January 29, 2018.
4. Secured Creditor objects to Debtor's request as the borrower is ineligible for a loan modification. The property was sold at a Sheriff's sale on August 29, 2017.
5. Debtor's previous bankruptcy, case number 17-28296-VFP, was filed within the ten (10) day redemption period pursuant to 11 U.S.C. § 108. However, due to Debtor's inability to

successfully complete the bankruptcy or tender the redemption amount the sixty (60) day extension provided by 11 U.S.C. § 108 lapsed.

6. Debtor failed to redeem the property within sixty (60) days of the filing date of the initial bankruptcy and the filing of the present bankruptcy is outside of the redemption period.
7. By failing to fully redeem within that time period Debtor forfeited the right to redeem and therefore no longer holds a legal title to the property and by virtue is ineligible to proceed with any loss mitigation avenues.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny Debtor's application for extension of the loss mitigation process, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz & Schneid, P.L.  
Attorney for Secured Creditor  
6409 Congress Ave., Suite 100  
Boca Raton, FL 33487  
Telephone Number 561-241-6901

By: /s/ Kevin Buttery  
Kevin Buttery, Esquire  
NJ Bar Number KB-3800  
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**CERTIFICATION OF SERVICE**

1. I, Kevin Buttery, represent DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QS3. in this matter.
2. On February 8, 2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: Objection to Request for Loss Mitigation
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

February 8, 2018

Robertson, Anschutz & Schneid, P.L.  
Attorney for Secured Creditor  
6409 Congress Ave., Suite 100  
Boca Raton, FL 33487  
Telephone Number 561-241-6901

By: /s/ Kevin Buttery  
Kevin Buttery, Esquire  
NJ Bar Number KB-3800  
Email: [kbuttery@rascrane.com](mailto:kbuttery@rascrane.com)

<b><u>Name and Address of Party Served</u></b>	<b><u>Relationship of Party to the Case</u></b>	<b><u>Mode of Service</u></b>
<b>Robert C. Nisenson</b> Robert C. Nisenson, LLC 10 Auer Court Suite E East Brunswick, NJ 08816	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  _____ (as authorized by the court*)
<b>Daryl L Smith</b> 92A Roland Avenue South Orange, NJ 07079	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  _____ (as authorized by the court*)
<b>Marie-Ann Greenberg</b> Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  _____ (as authorized by the court*)
U.S. Trustee. US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee.	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  _____ (as authorized by the court*)